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OFFICE OF PETITIONS

Tony D. Sherrod
948 N. Manassas Street
Memphis, Tennessee 38107

In re Patent No. 6,053,380
Issued: April 25, 2000
Application No.: 09/374,963
Filing Date: August 16, 1999
Attorney Docket No. 99-491

: REQUEST FOR INFORMATION

This is a request for information in response to the petition under 37 CFR 1.378(b), filed September 6, 2012, to reinstate the above-cited patent.

Petitioner is allowed a non-extendable period for reply of **TWO (2) MONTHS** from the mailing date of this communication to provide a response. The response should be titled, "Response to Request for Information." If no response is provided within the period set forth, a decision will be made solely on the merits as set forth in the petition under 37 CFR 1.378(b) filed May 17, 2012 and communication filed September 6, 2012. No additional fees are due.

The above-identified patent issued on April 25, 2000. Therefore, the grace period in 35 U.S.C. § 41(b) for paying the 7.5-year maintenance fee expired at midnight on April 25, 2009.

Petitioner is required to address the following points:

- It is noted that petitioner states that "[petitioner] went to the psychotic hospital I was admitted to back in February 2001 in hopes to gain a statement from a treating physician. The memory and smell of the building brought back many bad memories that caused me to leave promptly...I don't understand why I am being pressured to re-live a mishap I wish to forget even after I've paid my maintenance fees that your office said was required...". Petitioner is advised that it is not the intention of the Office to place petitioner in an uncomfortable position and the Office regrets any inconvenience to petitioner. However, where, as in this case, petitioner has filed a petition under 37 CFR 1.378(b) asserting the delay in paying the maintenance fee was unavoidable, petitioner is required to establish through statements and documentary evidence that the entire delay—from the due date for the maintenance fee until the filing of the grantable petition—was unavoidable. In this case, the relevant period runs from approximately April 25, 2007, until the present. As indicated, in the correspondence mailed July 31, 2012, petitioner's documentary evidence does not support petitioner's contention that petitioner's illness existed during the relevant period. If petitioner is asserting that an illness kept petitioner from timely paying the maintenance fee, petitioner must establish this through statements and/or documentary evidence.
- It is noted that petitioner states that petitioner experienced financial hardship at some point. If petitioner is unwilling to obtain the relevant statements and documents regarding petitioner's illness, petitioner may wish to consider asserting that the delay was also unavoidable because of the financial hardship if the financial hardship existed during the relevant period—from April 2007, until the grantable petition was filed.

Petitioner is cautioned to redact any personal information, such as social security and account numbers from the documents filed.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patent
 Mail Stop Petitions
 Box 1450
 Alexandria, VA 22313-1460

By facsimile: (571) 273-8300
 Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions